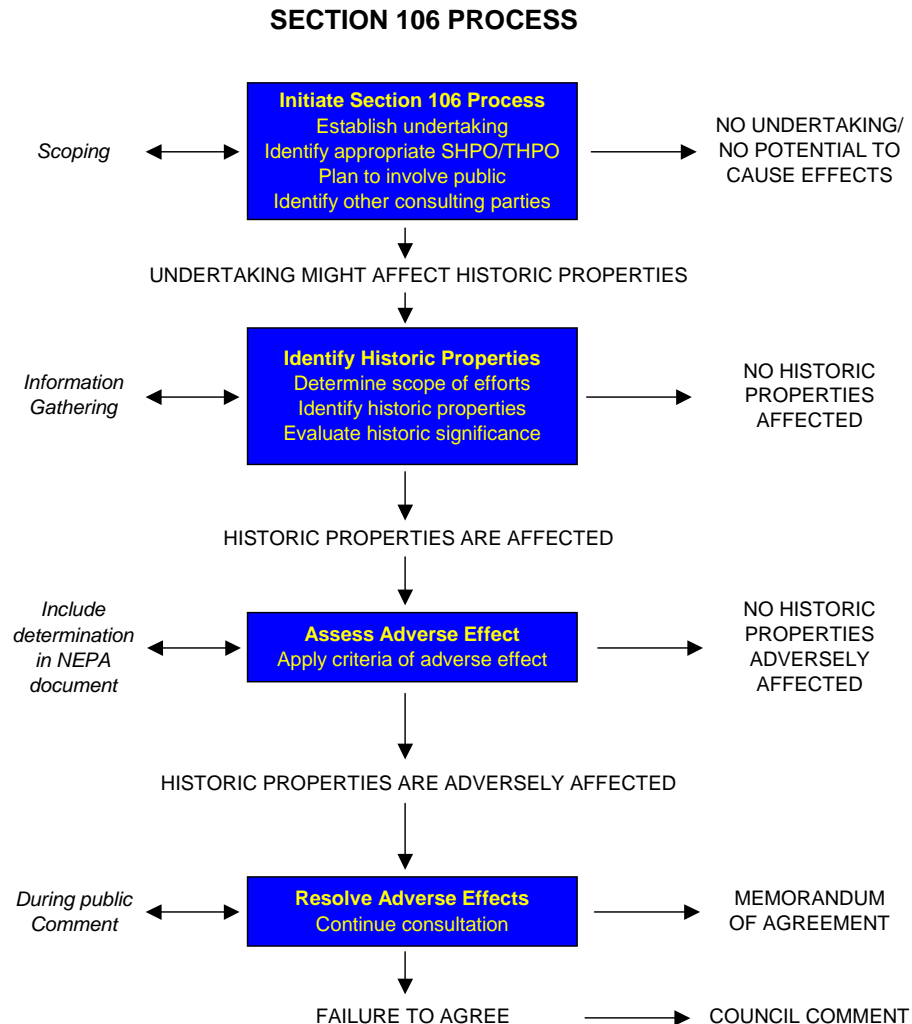


Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Historic properties in this instance include both standing structures and archaeological resources. The Section 106 process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. In order to help identify these historic properties and provide community involvement, consulting parties are identified through coordination with the State Historic Preservation Officer (SHPO).



Source – Advisory Council on Historic Preservation

Consulting Parties are those individuals or agencies who have a vested interest in historic resources. Typically consulting parties consist of the SHPO, Historic Landmarks Foundation, any local historic preservation commissions, county historians and local historical societies, local government, and any other historical groups. A description of the proposed project, including a description of the preliminary Area of Potential Effect (APE), and an invitation to participate in the Section 106 process is issued to these individuals and agencies as part of the early coordination process. Additional consulting parties are identified through coordination with the SHPO.

The APE is the area in which an undertaking may cause direct or indirect changes in character or use of a historic property. The boundary of the APE is determined through the consideration of the effect of the undertaking in respect to visual and audible intrusions, changes in traffic patterns and alterations in land use or public access. Once an APE is established, historic properties are identified through coordination with the consulting parties. The historical significance of these properties is evaluated and an effect determination is made.

There are three possible types of effect determinations. Each of these effect determinations is made by the Federal Highway Administration. In the event a project is determined to have a “No Historic Properties Affected” or “No Adverse Effect” finding, FHWA delegates approval authority to the Indiana Department of Transportation (INDOT).

A “No Historic Properties Affected” finding indicates that there are no properties on, or eligible for inclusion on the National Register of Historic Places (NRHP) that would be impacted by the proposed project. It is possible for historic properties to be located within the APE and still have a project receive a “No Historic Properties Affected” finding.

A “No Adverse Effect” finding indicates that although historic resources are impacted by the proposed project, the impacts to these resources are such that they would not alter the properties listing or eligibility for the NRHP.

An “Adverse Effect” finding results when the historic characteristics of a resource are altered such that the resource’s ability for inclusion on the NRHP is compromised. When this finding is established, a Memorandum of Agreement (MOA) is created and signed by the SHPO, the INDOT and the FHWA. The MOA details the mitigation measures that must be followed.

A description of the Section 106 Process is located at the Federal Highway Administration’s website (<http://www.fhwa.dot.gov/indiv/106proc.htm>).

In the event an impasse is reached between regulatory agencies and the sponsoring federal agency funding the proposed project, the Advisory Council on Historic Preservation is contacted to act as an arbitrator. For more information on the Advisory Council, please visit their website (Advisory Council on Historic Preservation (<http://www.achp.gov/>)).